

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 05-mj-047-JM

Holland Smith

**O R D E R**


Defendant appeared for a bail revocation hearing pursuant to 18 U.S.C. § 3148. On two instances defendant tested positive for cocaine use and thus he violated condition #1. He failed to report as directed on seven instances, including one instance where he was to be tested. See conditions # 6(a), 6(g) and 6(p). Given the number of failed opportunities to comply with conditions I find that the defendant is unlikely to abide by any condition or combination of conditions. The conditions of release are revoked.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable

opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: June 9, 2005

cc: Donald A. Feith, Esq.  
Bjorn Lange, Esq.  
U.S. Marshal  
U.S. Probation